



The City of San Diego

Staff Report

DATE ISSUED: April 30, 2024

TO: City Council

FROM: Parks and Recreation Department

SUBJECT: Authorize First Amendment to Contract with California Commercial Pools, Inc. (Request for Proposal (RFP) No. 10089600-20-G) for Swimming Pool Plastering and Deck Work

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Council District(s): Citywide

OVERVIEW:

This action requests authorization to execute the First Amendment to the contract with California Commercial Pools, Inc. (RFP No. 10089600-20-G) for Swimming Pool Plastering and Deck Work. This amendment will increase the not-to-exceed amount of compensation from \$3,000,000 to \$12,000,000 and will extend the contract duration by two additional years (from five to seven years).

PROPOSED ACTIONS:

1. Approve a resolution determining that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15301, and that none of the exceptions to the exemptions found in CEQA Guidelines Section 15300.2 would apply.
2. Adopt an ordinance authorizing the Mayor or designee to execute the First Amendment to the contract with California Commercial Pools, Inc. (RFP No. 10089600-20-G) for Swimming Pool Plastering and Deck Work in an amount not to exceed \$9,000,000, thus increasing the total amount of the contract to \$12,000,000 and extending the contract duration for two additional years through November 15, 2027.
3. Authorize the Chief Financial Officer to appropriate and expend an amount not to exceed \$9,000,000 from Funds 100000 and 600001 related to grants 1000889-2024 and 1000895-2024, for the purpose of executing the First Amendment to the contract resulting from RFP No. 10089600-20-G, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

DISCUSSION OF ITEM:

Pools are vital community hubs that provide access and opportunities to aquatic recreational programs, health and wellness activities and life-saving water safety skills that are also applied to open water environments. Pools promote safer communities and combat drowning. Drowning is the third leading cause of unintentional injury death worldwide, and as of 2018, became the single leading cause of death for children 1-4 years of age according to the Centers for Disease Control.

The Parks and Recreation Department (P&R) serves over 200,000 people on an annual basis by providing aquatic activities and services for youth, adults, seniors, and individuals with disabilities. P&R is responsible for programming, maintenance, and operations of fifteen (15) municipal pool sites. These sites contain a total of 22 bodies of water including various amenities such as splash pads, diving boards, children’s play structures, water features, and water slides.

These City pool facilities are located in all council districts and range from Carmel Mountain in the north to San Ysidro in the south. The pools vary in size, shape, and depth. Most pools are approximately 25 yards long by 25 meters wide, or larger. Pool depths range from zero to 12 feet deep. Table 1 below identifies the thirteen (13) municipal pool sites and two (2) joint-use pool sites, as well as the council district in which the pool is located.

The two joint-use facilities and agreements are as follows: (1) between the City of San Diego and San Diego Miramar College at the Ned Baumer Aquatics Center, and (2) between the City of San Diego and the San Diego Unified School District at the Standley Aquatic Center.

Northern	Central	Southern
Carmel Valley (CD1)	Allied Gardens (CD7)	City Heights (CD9)
Carmel Mountain (CD5)	Bud Kearns (CD3)	Colina Del Sol (CD9)
Ned Baumer (CD6)	Clairemont (CD2)	Martin Luther King, Jr. (CD4)
Standley (CD6)	Kearny Mesa (CD7)	Memorial (CD8)
Swanson (CD6)	Tierrasanta (CD7)	Vista Terrace (CD8)

**Table 1: City of San Diego Municipal Pool Sites**

**Existing Pool Repair Contract**

On July 15, 2020, Request for Proposal (RFP) No. 10089600-20-G for Swimming Pool Plastering and Decking was issued by the Purchasing & Contracting Department (P&C). P&C received one (1) responsive bid and on November 16, 2020, the contract was awarded to California Commercial Pools, Inc. (CAL Pools) for a five-year term not to exceed \$3,000,000.

**Repairs and Expenditures To Date**

The existing contact with CAL Pools does not require expenditure of the available contract capacity, and the expenditure of contract capacity to date has been contingent upon funds being available in the P&R budget.

With the \$3,000,000 in contract capacity, P&R authorized CAL Pools to plaster four pool sites (Carmel Valley, Martin Luther King, Jr. (MLK), Vista Terrace, and Allied Gardens). The scope of work included: saw cutting around all perimeter tile, lights, full chipping out of pool shell, and replacing rusted or bleeding rebar. A pressure test was also conducted at MLK. All specified work was done in accordance with guidelines set forth by the National Plasterers Council. ([www.npconline.org](http://www.npconline.org)).

P&R also authorized CAL Pools to repair and replace decking, including cantilevers, at three pool sites (Allied Gardens, Swanson, and Colina Del Sol). The scope of work included: scarifying existing decking, applying new texture, floating any repaired deck surface with matching grade materials, grinding or v-cutting cracks, and applying epoxy crack treatment.

Additionally, P&R authorized CAL pools to repair and replace tile at two pool sites (Bud Kearns and Carmel Mountain). The scope of work included: chipping away and removing damaged tiles and grout and installing new grout and tile.

Finally, P&R authorized CAL Pools to conduct seal and waterproof the surge pit at the City Heights pool site.

Table 2 below provides a breakdown of the work performed and expenditures incurred for work performed at each pool site. As shown in Table 2, the \$3,000,000 contract capacity is nearly fully expended, with the extensive repairs at Colina Del Sol consuming a substantial portion of the contract capacity.

<b>Pool Site</b>	<b>Council District</b>	<b>Expended Amount</b>	<b>Description</b>
Carmel Valley	1	\$352,715.00	Plaster
Bud Kearns	3	\$43,875.00	Tile
Martin Luther King, Jr.	4	\$322,745.00	Plaster and Pressure Testing
Carmel Mountain	5	\$21,825.00	Tile
Swanson	6	\$143,000.00	Decks
Allied Gardens	7	\$188,900.00	Decks, Plaster, and Tile
Vista Terrace	8	\$375,000.00	Plaster
City Heights	9	\$18,250.00	Seal and Waterproof Surge Pit
Colina Del Sol	9	\$1,229,900.00	Decks, Plaster, and Tile
<b>TOTAL:</b>		<b>\$2,696,210.00</b>	

**Table 2: Scope of Work and Expenditures Performed at Pool Sites**

**Proposed First Amendment to Contract**

Due to the lack of contract capacity, P&R is unable to proceed with pool plastering and deck work at pool sites identified in the contract. As such, P&R is requesting Council authorization to execute the First Amendment to the contract with CAL Pools (RFP No. 10089600-20-G) for Pool Plastering and Deck Work in an additional amount not to exceed \$9,000,000, thus increasing the total amount of the contract to \$12,000,000 and extending the contract duration for two additional years through November 15, 2027.

P&R is not obligated to spend the additional \$9,000,000 contract amount. P&R staff will identify funds (new funds or absorbed into the budget) first before requesting a Purchase Order (PO) to begin repair services.

As funding becomes available, this proposed First Amendment to the contract will allow P&R to address necessary repairs at seven pool sites identified in the contract (Tierrasanta, Carmel Mountain, Clairemont, Martin Luther King, Jr., Swanson, Vista Terrace, Kearny Mesa). The proposed scope of work, estimated cost, and schedule for the seven pool sites is described below and detailed in Table 3.

Currently, there are no repair needs at four pool sites (Ned Baumer, Standley, City Heights, and Memorial) because these are the City’s newest pool sites, and they are generally in good condition. On average, these four pools are 16 years old. Annual site surveys are conducted to identify and prioritize maintenance needs at the City’s 15 pool sites. The proposed First Amendment provides the capacity to address unexpected repair needs during the contract term extension should they arise.

The request to execute the First Amendment to increase the contract capacity and duration is due to the following circumstances:

1. Rate of Work and Reprioritization: The existing contact with CAL Pools is the first of its kind for P&R. In prior years, pool maintenance was addressed on a case-by-case basis through small contracts due to limited funding. Under the existing contract, it was anticipated that two pool sites

per year would be plastered, and deck work would occur only as needed. What P&R staff discovered as work under the contract began was that most pool sites required both replastering and deck work. Deck work involves the use of concrete, which is significantly more costly than plaster. As a result, the contract capacity was utilized at a greater rate than originally anticipated.

Additionally, P&R staff identified the need for additional work due to health and safety concerns with the condition of several pools. Work at two pool sites, Allied Gardens and Swanson, was accelerated due to decking issues around the edge of the pool rendering those walking paths unsafe. Also, due to changes in site conditions (e.g., settling), unplanned replastering work occurred at a few pool sites that were originally considered lower priority. Due to reports of cuts and abrasions being experienced by patrons, these sites were reprioritized, and work was completed ahead of the originally planned schedule.

Finally, two pool sites were added to the City's pool inventory following award of the existing contract (Carmel Mountain and Standley). Although RFP No. 10089600-20-G allowed for additional sites to be added throughout the life of the contract, it was not anticipated that new pool sites would require substantial maintenance within the three-year contract period. However, Carmel Mountain required unplanned tile work.

2. **Swimming Pool Age and Conditions:** The City's pools were constructed between 1933 and 2021, with most pools being constructed between 1969 and 1999. The 11 pool sites planned for maintenance under this contract are 47 years old on average. When RFP No. 10089600-20-G was issued, the actual condition of the pools was not well known. It was later discovered by the licensed contractor with technical expertise that the pools were in a greater state of disrepair than anticipated in the RFP. For this reason, additional work is required. The proposed additional work is consistent with the scope of work described in the contract.
3. **COVID-19 Lockdown and Supply Chain Issues:** The contract began in November 2020; however, no work could be performed for one year due to COVID lockdowns. Supply chain issues during and following the COVID-19 pandemic also impacted the ability to complete planned work according to schedule.
4. **Timing Constraints:** Due to the number of remaining pool sites requiring repair, additional time will be needed to complete the scope of work. As such, staff is requesting to extend the contract for two additional years.

A new RFP process is not proposed because this contract is necessary to maintain the health and safety of the City's pool sites and meet the City's obligations under its joint-use agreements with schools. The significant delays that would be incurred by going out to RFP is a concern for City staff as the work must occur as soon as possible to mitigate the potential for injuries to pool patrons and meet the City's obligations under applicable joint use agreements. Also, as noted above, the proposed additional work is consistent with the scope of work described in the contract.

The current contractor, CAL Pools, is familiar with the City's pool sites and service needs as stated in the contract. CAL Pools has also confirmed they have the bandwidth and capacity to perform the proposed additional work.

### **Plaster scope**

The proposed plaster scope of work will include saw cutting around all perimeter tiles, lights, full chipping out of pool shell, and replacing rusted or bleeding rebar. The Contractor will V-cut all cracks back by saw cutting back to structural soundness and add an appropriate and approved epoxy. The Contractor will re-grout all tile, skimmers, and coping stones as needed with an appropriate and approved product matching in grade and consistency to the existing grout, or better. All specified work will be done in accordance with guidelines set forth by the National Plasterers Council. ([www.npconline.org](http://www.npconline.org)).

## Decking scope

The proposed decking scope of work will include scarifying existing decking, applying new texture, floating any repaired deck surface with matching grade materials, grinding or v-cutting cracks, and applying epoxy crack treatment. To apply new texture, the Contractor must effectively scarify the existing concrete pool deck safely and without damage to the existing slabs to ensure new coating will adhere. The Contractor will perform power washing, when necessary, before applying texture.

Pool Site	Council District	Estimated Amount	Description	Estimated Completion
Clairemont	2	\$1,200,000.00	Decks and Plaster	6-7 months
Martin Luther King, Jr.	4	\$750,000.00	Decks	3-4 months
Carmel Mountain	5	\$1,500,000.00	Decks, Plaster, and Tile	6-7 months
Swanson	6	\$1,300,000.00	Decks and Plaster	5-6 months
Kearny Mesa	7	\$1,300,000.00	Decks and Plaster	6-7 months
Tierrasanta	7	\$1,500,000.00	Decks, Plaster, and Tile	6-7 months
Vista Terrace	8	\$750,000.00	Decks	3-4 months
<b>TOTAL:</b>		<b>\$8,300,000.00</b>		

**Table 3: Proposed Scope, Estimated Cost, and Schedule of Work to be Performed at Pool Sites**

## Prioritization of Planned Work

Work at the seven pool sites is planned to be completed in the order of priority listed below. The prioritization is based on several factors, including: 1) health and safety conditions, 2) extent of damage, and 3) grant performance period. Repairs needed at Clairemont and Martin Luther King, Jr. will be prioritized due to available grant funding. Thereafter, repairs will be address on a case-by-case basis as funds become available.

1. Clairemont Pool
2. Martin Luther King, Jr. Pool
3. Tierrasanta Community Pool
4. Carmel Mountain Pool
5. Vista Terrace Pool
6. Swanson Pool
7. Kearny Mesa Pool

The contractor has the capability to complete multiple sites concurrently and has committed to completing all seven pool sites within the proposed contract amendment period. P&R staff, in coordination with the contractor, will determine which pool sites can be completed concurrently. Completion of work at all seven sites will be contingent on funding availability and weather conditions.

## Potential Service Impacts

Pools require ongoing maintenance and repairs to the deck and pool shell to prevent: 1) leakage, 2) trip and falls, 3) lacerations, and 4) the inability to properly clean and maintain the aquatic venue area. Regular upkeep is essential to ensure the longevity, safety, and enjoyment of a pool for all patrons. Deferred maintenance to a pool leads to a range of negative consequences, including:

1. Health risks: Improperly maintained pool surfaces can harbor bacteria and algae growth, posing health risks to swimmers and requiring additional chemical treatments to maintain water quality.
2. Safety hazards: Cracked or damaged decking, plaster, and tiles can create tripping and cutting hazards, leading to accidents and injuries for pool users.
3. Structural damage: Neglecting maintenance can result in deterioration of pool surfaces, which can lead to leaks, water damage, and costly repairs.
4. Decreased lifespan: Lack of regular maintenance can shorten the lifespan of pool components, resulting in the need for premature replacement and increased expenses.
5. Legal liabilities: Failure to address maintenance issues promptly may expose the City to legal liabilities in case of accidents or injuries resulting from neglected upkeep.

P&R staff has deployed interim measures, such as placing rubberized mats at the bottom of some of the pools, to address safety hazards caused by damaged pool plaster. However, these measures are temporary and do not eliminate the need for pool plaster repair work.

If the proposed First Amendment is not approved, staff will need to issue a new RFP process. Sharp edges and cutting hazards are currently present at the seven identified pool sites that require deck and plaster replacement. As a result of the additional time needed to issue a new contract, these seven pools are in jeopardy of closing due to unsafe conditions.

### **Contract Management**

P&R has designated a Deputy Director from Citywide Maintenance Division to manage the proposed contract while a District Manager and Aquatics Tech Supervisor will supervise and inspect the work performed by the Contractor. P&R staff will ensure that the County of San Diego Department of Environmental Health and Quality (DEHQ) reviews all proposed work within the plan check phase. All work must comply with Department of County Health guidelines.

#### City of San Diego Strategic Plan:

This item relates to the Strategic Plan's Priority Area: Protect & Enrich Every Neighborhood by ensuring public use of the City's municipal pools, which helps reach the outcome of providing an accessible, convenient, safe, and comfortable recreational spaces in San Diego communities.

#### Fiscal Considerations:

The total for the First Amendment to the contract with CAL Pools (RFP No. 10089600-20-G) for Swimming Pool Plastering and Deck Work is not to exceed \$9,000,000 and increases the total contract capacity from \$3,000,000 to \$12,000,000. As noted above, P&R is not obligated to spend the additional \$9,000,000 contract amount. P&R staff will identify funds (new funds or absorbed into the budget) first before requesting a PO to begin repair services.

The proposed work under the First Amendment to the contract will be funded by the following Parks and Recreation Department General Fund operating budgets in FY25 and FY26, contingent upon adoption of budget and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Funds will be allocated on a task order basis.

#### FY2025

1. Fund: 600001; Cost Center: 1714110012 [for Clairemont Pool (Grant 1000889-2024; P24008 South Clairemont CP Rec Cntr Renovation)]
2. Fund: 600001; Cost Center: 1714110012 [for Martin Luther King, Jr. Pool (Grant 1000895-2024; P24009 MLK Pool Improvements)].

#### FY2026

1. Fund: 100000; Cost Center 1714220018 (for Carmel Mountain Pool, Swanson Pool, Kearny Mesa Pool, Tierrasanta Community Pool, and Vista Terrace Pool)

Costs incurred by the City for work performed at the Clairemont and Martin Luther King, Jr. pool sites will

be reimbursed by the State of California Department of Parks and Recreation (State Parks) through the Local Assistance Specified Grant Program that has been awarded to the City. By Resolution R-315358, the City is authorized to appropriate and expend up to \$4,000,000, or \$2,000,000 at each site, for work performed at these sites (Attachment 1). On February 28, 2024, State Parks and the City entered two grant contracts, in the amount of \$2,000,000 each grant contract, for these sites. Any remaining funds following completion of the pool plastering and deck work will be utilized to fund the Capital Improvement Projects referenced above.

Charter Section 225 Disclosure of Business Interests:

1. Lee Jackson (Owner and Managing Partner) Glendora, CA 91740 (50%)
2. David Jackson (Owner and Managing Partner) Glendora, CA 91740 (50%)

Environmental Impact:

The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment pursuant to CEQA Guidelines Section 15301 (Existing Facilities) which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and where the exceptions listed in CEQA Guidelines Section 15300.2 would not apply in that no cumulative impacts were identified, no significant effects on the environment were identified, the project is not adjacent to a scenic highway, no historical resources would be affected by the action, and the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

Climate Action Plan Implementation:

N/A – Does not have a connection to the Climate Action Plan.

Equal Opportunity Contracting Information (if applicable):

This agreement is subject to the City’s Equal Employment Opportunity Outreach Program (San Diego Ordinance No. 18173, Municipal Code Sections 22.2701 through 22.2708) and Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

Previous Council and/or Committee Actions:

This item will be heard at the Community and Neighborhood Services Committee on May 9, 2024, prior to presentation to the Council.

Planning Commission Action:

N/A

Key Stakeholders and Community Outreach Efforts:

Key stakeholders include patrons and visitors to City of San Diego parks.

Andy Field \_\_\_\_\_

Department Director

Kristina Peralta \_\_\_\_\_

Deputy Chief Operating Officer, Neighborhood Services